

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APL CO. PTE. LTD.,

Case No. C 09-03967 SC

Plaintiff,

INTERNATIONAL LETTER OF REQUEST (LETTER ROGATORY)

V.

KEMIRA WATER SOLUTIONS, INC.,
(formerly known as "Kemiron Companies"),
FAIRYLAND ENVITECH CO. LTD..

Defendants.

REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE (LETTER ROGATORY)

11 The United States District Court for the Northern District of California presents
12 compliments to the Appropriate Judicial Authority of Taiwan and respectfully requests
13 international judicial assistance to effect service of process upon defendant Fairyland Envitech Co.
14 Ltd. ("Fairyland") to be used in a civil proceeding before this Court in the captioned matter. A suit
15 on this matter is proceeding in San Francisco, California, United States of America.

16 This Court requests the assistance as necessary in the interests of justice. The assistance
17 requested is that the appropriate Judicial Authority of Taiwan effect service of process of the
18 complaint and summons (copies of which are provided with this Letter) upon the below named
19 corporation, according to a method prescribed by Taiwan's internal law for the service of judicial
20 documents upon persons or entities that are within its territory.

Fairyland Envitech Co. Ltd.
No. 1-1, Lane I
Jiashin E. Road
Gangshan Jen Kaohsiung
TAIWAN

24 This Court further requests that the judicial authorities of Taiwan cause the person who
25 serves the documents upon a director, managing agent, officer, or other person authorized to
26 accept service of Fairyland Envitech Co. Ltd. to execute an affidavit of service as provided by
27 Taiwanese law, and return, through diplomatic channels to Plaintiff's attorney, the affidavit of
28 service and a copy of the documents that were served.

1 **FACTS**

2 This is a civil case in which plaintiff seeks compensation for damages allegedly caused by
3 hazardous cargo plaintiff claims Fairyland shipped on its vessels from Taiwan to the United
4 States. The plaintiff claims these damages arise from Fairyland's breach of contract and that
5 Fairyland also is liable pursuant to the Comprehensive Environmental Response, Compensation
6 and Liability Act, 42 U.S.C. § 9601 et seq.

7 **RECIPROCITY**

8 This Court would provide similar judicial assistance to the courts of Taiwan.

9 **REIMBURSEMENT FOR COSTS**

10 Counsel for the plaintiff in this action is willing to reimburse the Judicial Authority of
11 Taiwan for costs incurred in executing this Court's letter rogatory. Request for reimbursement may
12 be sent to:

13 Charles S. Donovan
14 Sheppard Mullin Richter & Hampton LLP
15 Four Embarcadero Center, 17th Floor
16 San Francisco, California 94111

17 This Court extends to the judicial authorities of Taiwan the assurances of its highest
18 consideration.

19 Dated: March 19, 2010


20 Honorable Samuel Conti
21 United States District Judge
22 Northern District of California
23 U.S. District Court
24 450 Golden Gate Avenue
25 San Francisco, California 94102

26 [seal]